



**UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/704,400	08/27/96	SOMBROEK	R PHN14.491A

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EXAMINER

BRIER, J

ART UNIT

PAPER NUMBER

2775

21

DATE MAILED:

02/03/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Advisory ActionApplication No.
08/704,400Applicant(s)
Sombroek et alExaminer
Jeffery A. BrierGroup Art Unit
2775

THE PERIOD FOR RESPONSE: [check only a) or b)]

- a) ☒ expires six months from the mailing date of the final rejection.
- b) ☐ expires either three months from the mailing date of the final rejection, or on the mailing date of this Advisory Action, whichever is later. In no event, however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

- ☒ Appellant's Brief is due two months from the date of the Notice of Appeal filed on Jan 23, 1998 (or within any period for response set forth above, whichever is later). See 37 CFR 1.191(d) and 37 CFR 1.192(a).

Applicant's response to the final rejection, filed on Jan 23, 1998 has been considered with the following effect, but is NOT deemed to place the application in condition for allowance:

- ☐ The proposed amendment(s):
- ☐ will be entered upon filing of a Notice of Appeal and an Appeal Brief.
 - ☐ will not be entered because:
 - ☐ they raise new issues that would require further consideration and/or search. (See note below).
 - ☐ they raise the issue of new matter. (See note below).
 - ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
 - ☐ they present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: _____

- ☐ Applicant's response has overcome the following rejection(s): _____

- ☐ Newly proposed or amended claims _____ would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claims.
- ☒ The affidavit, exhibit or request for reconsideration has been considered but does NOT place the application in condition for allowance because:
see response to arguments on page 2

- ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

- ☒ For purposes of Appeal, the status of the claims is as follows (see attached written explanation, if any):

Claims allowed: none

Claims objected to: _____

Claims rejected: 1 and 3-11

- ☐ The proposed drawing correction filed on _____ ☐ has ☐ has not been approved by the Examiner.
- ☐ Note the attached Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Other

**JEFFERY A. BRIER
PRIMARY EXAMINER
ART UNIT 2775**

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DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 1/23/98 have been fully considered but they are not persuasive.

A prima facie case of obviousness has been set forth because the factual inquiries set forth in *Graham v. John Deere Co.*, 148 USPQ 459, has been followed. The scope and contents of the prior art have been determined. Kato teaches increasing the speed of a cursor after a cursor key has been depressed a predetermined amount of time. Takahashi teaches a mouse which can send low speed cursor data or high speed cursor data. The differences between the prior art and the claims at issue have been ascertained. Kato converts the low speed cursor data into high cursor speed data at the computer and not at the keyboard. Takahashi converts the low speed cursor data into high speed cursor data in the mouse, however, Takahashi performs the processing in response to a switch being depressed. The level of ordinary skill in the pertinent art has been resolved. Kato and Takahashi are representative of the level of skill in the input device area. The objective evidence present in the application indicating obviousness or unobviousness has been considered. Takahashi teaches performing the low to high speed processing at the input device to relieve the computer of additional processing. Kato teaches increasing the speed of the cursor after a predetermined amount of time has elapsed.

2. The argument at page 3 lines 2-5 has been considered as well as page 7 line 26 to page 8 line 4 of the specification which describes sensing resistors 402-408 to determine the speed. The

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claims do not claim the argued difference and the claims do not claim sensing resistors 402-408 to determine the speed. Applicant should consider amending claim 1 to include the limitations defined at page 7 line 26 to page 8 line 4 of the specification which describes the processing used when sensing resistors 402-408 to determine the speed. This feature is not taught by the prior art of record.

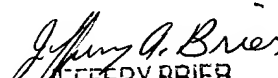
3. The sensitivity versus speed argument has been considered but it can be argued that the sensitivity of Kato's cursor key to pressing of the key has been increased when the system increases the cursor speed.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffery A. Brier whose telephone number is (703) 305-4723. The examiner can normally be reached on Mondays through Fridays from 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Saras, can be reached on (703) 305-9720. The fax number is (703) 308-6606.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

January 30, 1998


JEFFERY BRIER
PRIMARY EXAMINER